

Petition No 35 of 1884-95

Appellant-	Respts-
Anantappa	1. Honnamma
(Plff)	2. Timmappa
by W Ramanna	

Dispute regarding the Shareholding of
Dharanapur Zime, Hingur Taluk

List of English Papers

1. appeal Petition
2. Judgment of the Dehqan
28 Dec 85
3. Judgment of the Extra Appeal Court
30a. Sanadologu. Table
4. Offl memo calling for records
5. Dehqan's reply with records
6. Journal of Appeal Court proceedings
7. Rough
Notes of proceedings taken by the Dehqan

Both the Deputy and the
Asst Sur have ~~be~~ found
concurrently that Off is
not an ^{an} ~~an~~ ^{undivided} member
of the Roberts' family.

The Advocate for the appellant
^{chiefly must} ~~principally~~ contends that
there is no evidence to show
division - but the facts relied
upon by the lower courts, viz
separate living, 2 separate
enjoyment of two different
properties, and of the land
attached to them are
the opinion of 8th sufficient
to support the finding of
the lower courts. This
appeal is dismissed.

28-5-95


W.D.


P.F. 96894

G. R. S. IX-5]

Previous references.

1894-95

192

(L.R)

File No. 123794

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

1-5

Major Part B for June 1895

SUBJECT.

Appeal of Ananthappa regarding
the Shambhosi & Charnapur Village
Taluk

Com. transcribed.
MK.

R.
M. S. S.
AB

No.

Pet
456

20/9/94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM. (2)

The accompanying Petition No. 35

dated 4th July/94 received at the
Dewan's Office from Anantappa (by
Mr B. Ramanna, advocate
Bangalore) appealing
against the decision of the
Chitaldurg Dy. Commr in Re
appeal No 3 of 1893-94 regarding
the Shambho ghat of
Sharampura & Vika Kumpura
is forwarded, together with its two taluk
enclosures, to the Deputy Commr.
Chitaldurg & is trust for
submission of the entire
proceedings relating to
the case

2 The Petn and its enc.
should be returned

BANGALORE, 15/9/94

Sept 1894

By Order,

Chief Secretary.

Hand Apper in a regular suit

General Serial No. 32.

1894

No. 35

Name of Petitioner. *Chinnappa*

Village.

Taluk.

District.

Date of Arzi. 4-7-94

Date of Receipt. 5-7-94

Date of Disposal.

No. of Enclosures. two

ABSTRACT.

Appeal against the judgment of the Deputy Commissioner, Chittoor in Revenue appeal no. 3 of 1893-94 in re the Chinnappa of Chittoor District in the Chittoor Taluk.

The grounds of appeal & the Deputy Commissioner's judgment are in English

[Signature]

In case
Stamp sufficient
Copy of judgment of Court
of First Instance
produced
Send for order

U. J. 17/7 v. L. R. 123-94-1

Case for B.

U.

1579194

Dr. 10/11

U. J. 18/11

(General Serial No. 30.

1894

5-219

Figure

Page 14: 25
The duty of the
Chancellor of the Court

(3)

Io

The Chief Secretary to the ~~British~~
Government of Mysore.

Dated 22nd October 1954

Despatched - 25/10/74

Received

Enclosures No. 3 with 3 girls

General No. 303. *Separately*
No. 308.

with reference to the
Official Memorandum
No. 57, dated 15th Sept
1844, has the honor to
submit both the original
and appeal records
relating to the Shaughees
& Shampur Fisha
Tribunal, Calcutta.
2. The petition and its
enclosures, received
with the above are
herewith returned.

Stuccoed in the north
to prevent corrosion
Chalked in the south

1. General Record Exhibit Case No. 3 of 1892-93 as per Form 1.
2. Special Record, Exhibit Case No. 3 of 1893-94.
3. Abstract Record, Exhibit Case No. 3 of 1893-94.

✓
 23-9-23
 R.R.
 Not paid
 from school
 12th month

[Handwritten notes:]

37
11/97
Baptist
Baptist
K.C.
Rec 110

Hooked to the Kink
Give notice to
(1) Mr. B. Kink
add for applicant
(2) Kink (1) Kink
Kink of Kink
W/10/2

5/11/94

35



MYSORE COURT FEE

MYSORE DEWAN'S COURT
PETITION DEPARTMENT
REG'D. NO. 35-R
DATE 5-7-94

In the Court of the Councillors to H.H.
the Maharaja of Mysore at Mysore

Appellant
(or Plff)

Kanthappa

vs

Respondents
(or Dfts)

1. Honnanna by her father and guardian, Honappa
2. Timappa.

The appellant begs to prefer this appeal against the judgment of the Deputy Commissioner Chitaldroog in Revenue appeal No. 5 of 1893-94

2. The grounds of appeal are:-

i. The decision of the Lower Court is opposed to law, facts and probabilities of the case.

ii. Proper presumptions arising in Hindu Law have not been raised.

iii. Since important issues arising from the pleadings have not been framed.

iv. This failure to raise the issues has prejudiced the appellant since he could not lead evidence on material points.

v. The Lower Court has not fully appreciated the documentary and oral evidence in the case.

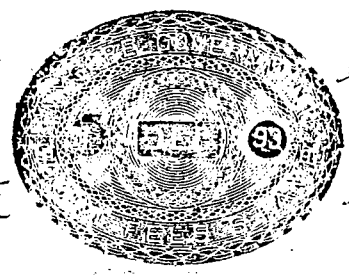
vi. The adoption of Subbaraya etc. by Honnanna is not clearly proved.

vii. The division of the family into separate branches is also not clearly proved.

viii. Merely separate living itself by the members of a Hindu family does not constitute those members divided families.

ix. Even though the members of a Hindu family be separate in their worship, still there may be commonality of interest amongst them in property.

x. Such commonality of interest is proved in the case.



బి-రామకృష్ణరెడ్డి
రామకృష్ణరెడ్డి
సామంతరాజు - పరిశ్రమ



9
Before the Government of ~~His Highness the Maharaja of Mysore.~~

Appeal No. 35- of 1894-95 (4)

Appellant.

Anantappa
Mr B. Ramanna
Advocate

Vs.

Respondent. s.

1. Honnamma
minor by guardian
Honnapa
2. Sinnappa.

L. R. 123-94-4

Decision.

The appellant seeks to recover possession of the office of Shanbhoga of Dharmapur Trika in the Hiriya Taluk, which, on the death of the last holder Subrayappa in 1889, has been registered in the name of his wife Honnamma, the Respondent. Subrayappa was Appellant's brother, but he was adopted by the widow of his grandfather's uncle's son named Dasanna who was the Baravaddar. Appellant

10

urges that he and Dasanna
and Subrayappa were
undivided in interest.

Both the Deputy-Comm-
and the Assistant-Commissioner
have found concurrently
that Plaintiff is not an un-
divided member of the Respondents'
family.

The Advocate for the
Appellant ~~principally~~ chiefly
contends that there is no
evidence to show division.

But the facts relied upon
by the lower Courts, namely,
separate living, and separate
enjoyment of two different
Zirkas, and of the lands
attached to them are, in
the opinion of the Government,
sufficient to support the
finding of the lower Courts.

This

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For these reasons the appellants pray
that the decision of the Lower Court may
be reversed and the Shaukharakee be
of the Plaintiffs decreed.

Bangalore 5th July 1894. Blamanna
Attorney for
the appellants.

No.

12 ✓
MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,

189

The

Endorsement granted to

Anantappa of Dharmapur
represented by Mr. B. Ramanna

in reply to

Petition Registered No. 35-

dated 4.7.94

appealing against the judgment of the Dy. Commr. of Chitaldruy
in Rev: appeal No 3 of 93-94 regarding the P. Shankhops of
Dharmapur Zirka

Petitioner is informed that

his appeal is dismissed

Enclosures are returned.

L.R. 123-94-5

und
12/6/95

'By Order'

Draft
Commr. Order
Revenue Chief Secretary.

M.G.C.P.B-19-2-95-1,000

4

This appeal is dismissed

By Order

Redraft

Q

Revenue Secretary

23/30 8/12.6.95-
R. 96-94 17

Copy of the above is for-
warded to the Dy. Commr. Chittoor
dist. District with the record
received with his No. $\frac{303}{208}$ 8

23rd October 95

und
18/6/95
12

By Order

Q

Revenue Secretary

RR/6

+ sent by parcel
date 17/6

నంబర్
35

12

(5)

భూమినివాడకడకివేయించు

వి. రిజిస్ట్రార్ కు తాల్పూరు కు సమీపపురాపల్లెటూరులో అసోరేట్స్ గా
ఇంతానీపుట్టే -

సమీపపురాపల్లెటూరు శాసనసభావికే విచ్చేయబట్టి ఇచ్చేయబడ
జిల్లా కలెక్టరు జిల్లాకలెక్టరు సమీపపురాపల్లెటూరులో అసోరేట్స్ గా
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లే అసోరేట్స్ గా అసోరేట్స్ గా - - - - -

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సమీపపురాపల్లెటూరు వాచ్ మార్క్ -
21-6-95

By order

By order

In the Secretary

By order

Copy to the Secretary.

అసోరేట్స్ గా అసోరేట్స్ గా - - - - -

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21-6-95